

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
(Philadelphia)

IN RE:

**Thomas C. Baker**

Debtor

CHAPTER 13

CASE NO.: 23-10766-pmm

HEARING DATE: August 9, 2023

TIME: 1:00 p.m.

LOCATION: COURTROOM #1

**MOTION OF NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING, FOR RELIEF FROM THE AUTOMATIC STAY PROVISIONS OF 11 U.S.C. § 362(A) TO PERMIT MOVANT TO COMMENCE OR CONTINUE FORECLOSURE PROCEEDINGS ON 3850 WOODHAVEN ROAD #1002, PHILADELPHIA, PA 19154**

AND NOW COMES, NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING (“Movant”), by and through its attorneys, Hill Wallack LLP, and respectfully represents as follows:

1. This Motion (the “Motion”) is filed by Movant for relief from the automatic stay provisions of 11 U.S.C. § 362(a) to permit Movant to continue its foreclosure on real property located at 3850 Woodhaven Road #1002, Philadelphia, PA 19154 (the “Mortgaged Premises”).

2. On or about October 20, 2015, Thomas C. Baker (“Borrower”) executed and delivered to Finance of America Mortgage LLC a Promissory Note (“Promissory Note”) in the principal amount of \$82,240.00. A true and correct copy of the Promissory Note is attached hereto and made a part hereof as Exhibit “A.”

3. To secure the obligations under the Promissory Note, Borrower granted Mortgage Electronic Registration Systems, Inc. as nominee for Finance of America Mortgage LLC a valid, enforceable, and recorded first lien and mortgage (the “Mortgage”) on the Mortgaged Premises, all of the terms of which are incorporated herein by reference as if fully set forth at length, which Mortgage was thereafter recorded in the City of Philadelphia Commissioner of Records on March 17, 2016 as Instrument Number 53035481. A true and correct copy of the Mortgage is attached hereto and made a part hereof as Exhibit “B.”

4. Movant is the current mortgagee by virtue of an Assignment of Mortgage. A true and correct copy of the full recorded Assignment of Mortgage Chain is attached hereto and made apart hereof as Exhibit “C.”

5. On March 16, 2023, Debtor filed petition for relief under Chapter 13 of the United States Bankruptcy Code.

6. The Debtor in his Schedules filed March 16, 2023 states that the current value of the Mortgaged Premises is \$112,860.00.

7. Proof of Claim was filed by Movant on May 19, 2023 as Claim #15-1. The Proof of Claim is in the amount of \$84,354.80 with pre-petition arrears due in the amount of \$14,046.74, together with additional legal fees and costs and taxes due and payable on the Mortgaged Premises.

8. The current monthly payment on the Mortgage is \$661.54.

9. On or about March 16, 2023, Debtor filed his Chapter 13 Plan. The plan proposed for Debtors to pay post- petition payments directly to Movant.

10. The Debtor is currently in arrears post-petition for their failure to pay the post-petition payments due April 1, 2023 through June 1, 2023, in the amount of \$1,984.62 (\$661.54 x 3 months). A copy of the post-petition payment history is attached hereto and made a part hereof as Exhibit “D”.

11. The principal balance due on the loan as of June 13, 2023, is \$72,880.31, and the payoff amount as of June 13, 2023 is \$86,910.26.

WHEREFORE, NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING respectfully requests that this Court enter an Order granting relief from the automatic stay provisions of 11 U.S.C. § 362(a) to allow Movant to proceed in its foreclosure of the Mortgaged Premises, to name the Debtors in the foreclosure suit solely for the purpose of foreclosing their interests in the Mortgaged Premises, and to allow Movant, or any other purchaser at the Sheriff’s Sale, to take any legal action necessary to gain possession of the Mortgaged Premises.

Respectfully submitted,

By: /s/ Angela C. Pattison

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